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Report of the Secretary-General on the United Nations Mission in Côte d'Ivoire submitted pursuant to Security Council resolution 1514 (2003) of 13 November 2003

Addendum

I. Introduction

1. In my report of 6 January 2004 on the United Nations Mission in Côte d'Ivoire (S/2004/3), I indicated my intention to dispatch a technical team to Côte d'Ivoire to collect more detailed information, which would enable me to submit recommendations concerning the civilian police and judicial component of the proposed peacekeeping operation. A small technical team, comprising civilian police and judicial and corrections officers from the Department of Peacekeeping Operations, visited Côte d'Ivoire from 16 to 27 January 2004 and met with the relevant Ivorian authorities and other national and international stakeholders. The team also undertook field visits to Ivorian police and gendarmerie facilities and stations, prisons and courts, both in the Government-controlled south and in the Force nouvelles-controlled areas to the north of the "zone of confidence". The team's findings and recommendations are set out below.

II. State of the internal security forces, judiciary and prisons

2. As noted in my report of 6 January 2004, under the Linas-Marcoussis Agreement the international community is requested to support and advise the Government of National Reconciliation in restructuring the security forces of Côte d'Ivoire. The responsibility for internal security in Côte d'Ivoire lies with the National Police and the Gendarmerie, which have a strength of 12,000 and 8,500 officers respectively. The conflict in Côte d'Ivoire has exacerbated the challenges facing the Ivorian internal security forces. In particular, both the National Police and the Gendarmerie are reported to be responsible for committing human rights violations, corruption and extortion at checkpoints along major arteries. Their conduct has reportedly contributed to a widespread culture of impunity.

3. Following the outbreak of the conflict in September 2002, most of the National Police and the Gendarmerie left the northern provinces and withdrew to the Government-controlled area south of the zone of confidence. In the south, the National Police are currently operating in only eight prefectures, while the

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Gendarmerie is divided into two legions. The few law enforcement personnel who remained in the north were either imprisoned by or joined the Forces nouvelles as combatants. In the six military zones in the northern part of the country, law enforcement and policing activities are carried out by the "interim structures" established by the Forces nouvelles. These consist of largely untrained "volunteers" led by former members of the National Police and the Gendarmerie who chose to remain in the north. Police infrastructure in the Forces nouvelles-controlled areas was severely damaged during the conflict.

4. The Ministry of Internal Security informed the assessment mission that a plan for the return and reintegration of the National Police and the Gendarmerie to the north, to which the Forces nouvelles appear to have agreed, was in preparation. Nevertheless, the Forces nouvelles stressed that a neutral presence of United Nations civilian police and military personnel was essential during the transition period in order to reassure the population, deter possible retaliatory behaviour and facilitate the smooth restoration of the law enforcement institutions in the north.

5. Another important concern that needs to be urgently addressed is the restoration of law enforcement institutions and personnel in the zone of confidence. Although no armed elements are allowed in the zone, criminal groups have been able to move unimpeded, taking advantage of the current situation. Their presence and activities are contributing to the instability and insecurity in the region.

6. There is a functioning National Police Training School in Abidjan with a capacity to train 1,200 cadets per course. Its facilities are severely strained, however, as it was originally constructed to accommodate a maximum of 300 cadets per intake. Some 140 instructors are permanently attached to the school and a large number of other police and civilian experts are engaged for training purposes on a non-permanent basis. There are also two training schools for the Gendarmerie, in Abidjan and in Toroguhé, in the south. Both training schools have been in operation throughout the conflict. There are no police or gendarmerie training facilities in northern Côte d'Ivoire and many stakeholders, including the Forces nouvelles, proposed that donors should be approached to assist in establishing such a facility there, which would help in the restoration of effective policing in the area.

7. The judicial system has also ceased functioning in the north and in the zone of confidence as a result of the conflict. Areas of the Government-controlled western and central parts of the country that are under the jurisdiction of courts situated in the north have also suffered a breakdown in the administration of justice. National and international human rights organizations reported problems of impunity with regard to human rights violations and other criminal acts, and judicial personnel in some Government-controlled regions have complained that they find themselves powerless in the face of criminal acts committed by members of the security forces. A weak justice system unable to protect the rights of disenfranchised groups, or to hold perpetrators accountable, was highlighted by many as a core contributor to the continuation of the conflict.

8. The prison system is administered by the Ministry of Justice and headed by a Director of Prison Administration. Historically, the national prison system, comprising 33 prisons, has been a low priority, resulting in serious underfunding and related problems. There are reports of prisoners held in violation of the law for three or more years without trial. The current conflict has aggravated the conditions in prisons in the south and resulted in the collapse of the system in the north. The

Forces nouvelles have reopened 2 of 11 prisons in the north, but the prisoners held there have not been subject to proper judicial procedures. Government funding for the operation of prisons in the north has been withdrawn.

III. Recommendations

9. On the basis of the findings of the assessment team, it is proposed that, in the southern part of the country where national police operations have not been disrupted by the conflict, the main role of the United Nations civilian police would be twofold. On the one hand, it would advise the Government on the restructuring of the Gendarmerie and National Police. On the other, it would provide advice to the law enforcement authorities and observe their operations, with a view to deterring excesses and abuses and strengthening the professionalism of the National Police and the Gendarmerie. In the north and the zone of confidence, the United Nations civilian police would offer advice to the Government on the restoration of an effective police presence, and play a key role in instilling confidence in the population, so as to facilitate the restoration of a police presence in that part of the country.

10. The Linas-Marcoussis Agreement also calls on the international community to provide security for the signatories of the Agreement and members of the Government of National Reconciliation. ECOWAS has deployed 181 gendarmes in Côte d'Ivoire in order to contribute to the protection of members of the Government. In my report of 6 January 2004, I suggested that consideration should be given to the possibility of reassigning the ECOWAS Gendarmerie as a United Nations unit, which would continue to perform the indispensable task of assisting in providing protection to members of the Government. The assessment mission found, however, that this is a complex and sensitive function and that further study is required before the United Nations can take up the task. It is therefore recommended that, pending further examination of the role that the envisaged peacekeeping operation could perform in this area, the present arrangements under which international partners provide the requisite financial and logistic support to the ECOWAS Gendarmerie should remain in place. In the meantime, additional resources will be required from bilateral partners to support the ECOWAS gendarmes, as the subregional organization has indicated that it is no longer in a position to sustain them.

11. Considering the sensitive security situation in Abidjan, where militant groups frequently stage violent demonstrations against international personnel, including peacekeepers, I suggested in my report of 6 January the possibility of deploying formed police units with crowd-control capability to assist in the protection of the headquarters of the proposed United Nations peacekeeping operation, as well as other United Nations facilities in the capital. After discussions between the assessment team and the Ivorian authorities and other stakeholders, however, there is an understanding that the national authorities would provide the necessary support to the envisaged peacekeeping operation, should the need for crowd control arise, and that the Licorne forces would provide additional support in the event of a critical situation.

12. In view of the above, it is recommended that a total of 350 United Nations civilian police officers be deployed in Côte d'Ivoire. These police officers would comprise 234 advisers, 60 mentors, and 56 trainers. The advisers would be deployed

to the National Police Headquarters in Abidjan, the eight Préfectures de Police and the two Gendarmerie legions in the south, as well as the four prefectures and two legions in the north. Their main task would be to provide advice and support aimed at enhancing the operational capabilities and professionalism of the police and gendarmerie. The mentors would be organized in six mobile units, deploying to the 40 sub-units of the prefectures and legions in the north. When the security situation permits, they would co-locate with local counterparts, to provide close mentoring and ensure the proper transfer of knowledge. Both the police advisers and the mentors would provide advice to the Government on the restoration of the law enforcement institutions and personnel in the zone of confidence and in the north. Their presence in those areas would be critical in reassuring both the returning police personnel and the population. The police trainers would deploy to the National Police Training School and the Gendarmerie training schools in the south and the proposed police training school in the north to provide advice on various aspects of training. The deployment of all civilian police personnel would be conducted in a phased manner, beginning in Abidjan in the south and Bouaké in the north, and gradually expanding throughout the country, depending on the security and operational requirements on the ground.

13. Under the Linas-Marcoussis Agreement, the Government of National Reconciliation is to implement a programme that includes important elements relating to strengthening the independence of the judiciary, national identification and citizenship, human rights, land tenure, and the criteria for eligibility for the presidency (together with other elections-related issues). Many of these rule-of-law issues lie at the core of the conflict in Côte d'Ivoire and are not only critical to the success of the peace process but may also have a direct impact on long-term stability in the country. Authorities in the north and the south stressed to the assessment team the need for United Nations support for the re-establishment of the administration of justice in all areas affected by the conflict. I therefore recommend the establishment of a small judicial unit to help address these key issues.

14. Working with national and international partners, the judicial unit would support and provide advice to judicial authorities and the Government of National Reconciliation on the re-establishment of an effective and impartial judicial system in areas where the administration of justice has broken down. It would also encourage efforts throughout the country to increase the transparency of the justice system and the impartial, efficient and independent administration of justice. In addition, the proposed unit would follow legislative, judicial and administrative developments on matters central to the implementation of the Linas-Marcoussis Agreement, including issues of judicial administration and national identification.

15. The judicial component would comprise up to five international staff members: a head of office, three judicial affairs officers and one criminal legal adviser to support the civilian police component on national criminal legal issues.

16. It is essential to the maintenance of law and order that all components of the criminal justice system are functioning in a manner which ensures that the work of the police and judiciary is not undermined. Efforts required under the Linas-Marcoussis Agreement to strengthen the independence of the justice system and restore the administration and public services should thus include the re-establishment of the prison system in the north and the strengthening of the system

in the south, where serious overcrowding in prisons and long-term under-resourcing are among the root causes of widespread human rights abuses and insecurity.

17. It is therefore recommended that the civilian police and judicial component of the proposed peacekeeping operation also include a corrections unit of one international staff member and eight seconded corrections officers. Working in cooperation with national and international partners, the corrections officers would provide support and advice to national authorities concerning the re-establishment of the prison system in the areas currently held by the Forces nouvelles. Similar support would be provided in the south, where strategies that increase the integrity of security systems, reduce human rights abuses and promote self-sufficiency are required to enhance the capacity of the system to provide safe, secure and humane conditions for detainees. The achievement of this aim would be supported by the provision of training to Ivorian prison officials on prison management and administration, and of development assistance. The latter would include the development of a national training capacity and a component which would provide for the monitoring of prison systems and practices that affect human rights and security issues.